

Please consider this a request under provisions of the Freedom of Information Act and the Electronic Freedom of Information Act, 5 U.S.C § 552 and under 40 CFR §2, "Procedures for disclosure of records under the Freedom of Information Act."


The EPA said in a public statement on Sept. 3, 2017, that by that date it had already conducted, "through aerial imaging," initial assessments at 41 Superfund sites in the Houston region. It said 28 of those sites showed no damage, and 13 had experienced flooding. The EPA statement is available online here:

<https://www.epa.gov/newsreleases/epa-response-aps-misleading-story>.

I am requesting copies of the aerial imaging that was the basis for this statement, along with any analyses, presentations, memoranda or other records discussing what the aerial imaging showed or did not show, between Aug. 25, 2017, and the date that processing actually begins on this request. The records would presumably be in the possession of the headquarters Office of Enforcement and Compliance Assurance, which enforces the Comprehensive Environmental Response, Compensation and Liability Act; the Office of the Administrator, who has said Superfund is one of his top policy priorities; the headquarters Office of Public Affairs, which issued the public statement; the Office of the Region 6 Regional Administrator and Deputy Regional Administrator; the Region 6 Superfund Division; and the Region 6 Compliance Assurance and Enforcement Division.

I am also requesting copies of phone logs, recordings, emails, text messages, memoranda or other records representing or reflecting communications or notes from the offices specified above about these initial EPA assessments, sent or received between Aug. 25, 2017, and the date that processing actually begins on this request. I request that, where possible, the searches of the relevant email accounts be performed by a designated FOIA officer or IT staffer, rather than EPA staffers in the specific component offices searching their own email accounts for records that may be responsive to this request. Records searches should include any private or personal accounts or devices that were used to conduct agency business.

Please consider this an expedited request under the FOIA and EPA regulations, as this information is urgently required to inform the public about an actual or alleged federal government activity, namely public health threats from flooding at dangerously contaminated toxic waste sites. The EPA's criticisms of reporting by The Associated Press about the adequacy of EPA's Superfund efforts in the wake of Hurricane Harvey flooding represent a currently unfolding story, and have been the subject of numerous press articles in recent weeks, including by the Washington Post, New York Times, MSNBC, GQ, Salon, Mother Jones, Breitbart and others. Delaying release of this information harms the public interest because the aerial imaging and EPA's deliberations about what the images represented will inform the public's understanding about whether adequate analyses were performed to protect health and safety.



I certify that I am a full-time employee for The Associated Press, the world's largest news-gathering organization with more than 1 billion readers, listeners and viewers.

Whether an "urgency to inform" exists depends on several factors: (1) whether the information relates to a currently unfolding story; (2) whether delaying release of the information harms the public interest; and (3) whether the request concerns federal governmental activity (see *Al-Fayed v. CIA*, 245 F.3d 300 (D.C. Cir. 2001)). In addition, "the credibility of a requester" is also a relevant consideration.

Please release any information pursuant to my requests as it is received and/or reviewed by your office, rather than waiting to send me all the material I have requested. If you have questions or need to contact me, I can be reached at (202) 236-5158 and my e-mail address is tbridis@ap.org.


As I am making this request on behalf of the AP for use in reporting the news, no fees may be assessed for searching or reviewing documents sought by this request, and no duplication fees should be charged to the AP for the first 100 pages of material (see 5 U.S.C. § 552(a)(4)(A)(ii)(II)). AP hereby consents to pay duplication charges up to a total not to exceed \$250. Please notify me in advance before incurring any duplication charges in excess of this amount.

As you know, the Act permits you to reduce or waive the fees when the release of the information is considered as "primarily benefiting the public." I believe that this request fits that category and I therefore ask that you waive any fees.

If all or any part of this request is denied, please cite the specific exemption(s) that you think justifies your refusal to release the information and inform me of your agency's administrative appeal procedures available to me under the law.

To the extent that you affirm, in whole or in part, the denial of disclosure, we ask that you provide us with a list describing with specificity the categories of documents that have been withheld and explaining the grounds for the withholding (see *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973)).

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.



Ted Bridis, news editor
The Associated Press
1100 13th St. NW, Suite 500
Washington, DC 20005-4076
(202) 641-9462, voice
(202) 236-5158, cell
<https://www.ap.org/tips>